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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: WALLACH=1D

In re Application of:

David WALLACH et al

Appln. No.: 10/036,434

Filed: January 7, 2002

For: TUMOR NECROSIS FACTOR
INHIBITORY PROTEIN ...

) Conf. No.: 4966
)
) Art Unit: 1646
)
) Examiner: D. Jiang
)
) Washington, D.C.
)
) September 30, 2005
)

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Randolph Building, Mail Stop AF
401 Dulany Street
Alexandria, VA 22314

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the final rejection (or the rejection of claims for at least the second time), dated June 30, 2005, of the Primary Examiner. The claims appealed are claims 1-4, 6-8 and 10.

The item(s) checked below are appropriate:

Small Entity Status: Applicant(s) claim small entity status. See 37 CFR 1.27.

XXX The fee has been calculated as shown below:

XX \$500.00

\$250.00 (small entity)

Not required (fee paid in prior appeal)

XXX Applicant hereby petitions for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity
Response Filed Within

[] First - \$ 60.00

[] Second - \$225.00

[] Third - \$510.00

month after time period set

Other Than Small Entity
Response Filed Within

[] First - \$ 120.00

[] Second - \$ 450.00

[X] Third - \$1020.00

month after time period set

[X] Less fees (\$450.00) already paid for 2 months extension of time on August 31, 2005.

XXX Credit Card Payment Form, PTO-2038, is attached, authorizing the amount of \$ 570.00.

XXX Please charge any deficit in the fee paid herewith to my Deposit Account No. 02-4035.

10/03/2005 MGE BREM1 00000020 10036434

01 FC:1401
02 FC:1253

500.00 OP
570.00 OP

Respectfully submitted,
BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By:


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